



# RULE-MAKING ORDER

**CR-103 (June 2004)**  
(Implements RCW 34.05.360)

Agency: Insurance Commissioner

☒ Permanent Rule  
☐ Emergency Rule

Effective date of rule:

Permanent Rules

☒ 31 days after filing.

☐ Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

☐ Immediately upon filing.

☐ Later (specify) \_\_\_\_\_

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

**Purpose:** This rulemaking updates the description of the internal organization and operations of the Office of the Insurance Commissioner.

Insurance Commissioner Matter No. R 2003-09

**Citation of existing rules affected by this order:**

Repealed: WAC 284-02-020, 284-02-090

Amended: WAC 284-02-010, 284-02-030, 284-02-040, 284-02-050, 284-02-060, 284-02-070, 284-02-080, 284-02-100

Suspended:

**Statutory authority for adoption:** RCW 48.02.060 and 34.05.220

**Other authority:**

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 06-21-126 on October 18, 2006.

Describe any changes other than editing from proposed to adopted version:

1. WAC 284-02-010 (1)(iii) *protection product guarantee providers* was included, and
2. WAC 284-02-080 (4) *For all lines of insurance except property and casualty insurance and (For property and casualty insurance, see RCW 48.19.040(5) was added.*

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_

Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

**Date adopted:**

December 14, 2006

**NAME (TYPE OR PRINT)**

Mike Kreidler

**SIGNATURE**

**TITLE**

Insurance Commissioner

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

DEC 14 2006

TIME

WSR

1230

07-01-048

AM

PM

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	<u>2</u>	Amended	<u>8</u>	Repealed	<u>2</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending Matter No. R 96-3, filed 4/10/96, effective 5/11/96)

WAC 284-02-010 (~~((Authority of))~~) What are the responsibilities of the insurance commissioner(~~(-)~~) and the office of the insurance commissioner (OIC) staff? The insurance commissioner is responsible for regulating the insurance industry and all persons or entities transacting insurance business in this state in the public interest. The position of insurance commissioner was established by the legislature as an independent, elective office in 1907. The insurance laws and the authority of the insurance commissioner are found in Title 48 RCW. The insurance commissioner's powers are set forth in chapter 48.02 RCW.

(1) (~~((The office generally. The position of insurance commissioner was established by the legislature as an independent, elective office in 1907. The insurance commissioner's powers are set forth in chapter 48.02 RCW.))~~) General powers and tasks.

(a) To carry out the task of enforcing the insurance code the commissioner:

(i) May make rules and regulations governing activities under the insurance code (~~((consistent therewith))~~) (Title 48 RCW);

(ii) May conduct investigations to determine whether any person has violated any provision of the insurance code, including both informal and formal hearings;

(iii) May take action (including levying of fines and revocation of authority to transact business in this state) against an insurance company, fraternal benefit society, charitable gift annuity providers, health maintenance organization, ((a)) health care service contractor, motor vehicle service contract provider, service contract provider, protection product guarantee providers, self-funded multiple employer welfare arrangement, and ((a)) viatical settlement provider ((by revocation or suspension of its certificate of authority or certificate of registration, may fine insurance companies, fraternal benefit societies, health care service contractors, health maintenance organizations, and viatical settlement providers)); and

(iv) May issue, revoke, or suspend the licenses of insurance agents, brokers, solicitors, adjusters, ((or)) and insurance education providers, reinsurance intermediaries, viatical settlement brokers, or may fine any of them for violations of the insurance code. ((In addition,))

(b) All insurers and other companies regulated under the insurance code must meet financial, legal, and other requirements and must be licensed, registered, or certified by the OIC prior to the transaction of insurance in this state.

(c) The OIC is responsible for collecting a premium-based tax levied against insurers and other companies transacting insurance

business in this state. The funds collected from health care companies are deposited into the state's health services account. All other taxes are deposited into the state's general fund.

(d) Any person engaged in the marketing or sale of insurance in Washington must hold a license issued by the OIC. The OIC oversees the prelicensing education, testing, licensing, continuing education, and renewal of agent, broker, and solicitor licenses.

(e) Public and independent adjusters must be licensed by the OIC. The OIC is responsible for the processing of licenses, background checks, affiliations, testing, renewals, terminations, and certificates for individuals and business entities, both resident and nonresident, who act as independent or public adjusters in Washington.

(f) The OIC assists persons who have complaints about companies, agents, or other licensees of the OIC. OIC investigators follow up on consumer complaints, look into circumstances of disputes between consumers and licensees, and respond to questions.

(g) The OIC publishes and distributes consumer guides and fact sheets to help inform consumers about their choices and rights when buying and using insurance.

(2) Orders. The commissioner may issue a cease and desist order ((pursuant to)) based on the general enforcement powers granted by RCW 48.02.080, or ((pursuant to that section, the commissioner)) may bring an action in court to enjoin violations of the insurance code.

((2) Duties and responsibilities imposed by Title 48 RCW.

(a) The insurance code is found at Title 48 of the Revised Code of Washington. It deals largely with the commissioner's regulation of insurance companies, insurance agents, brokers, solicitors, and adjusters.

Chapter 48.29 RCW regulates the activities of title insurers and their agents. Chapter 48.36A RCW regulates fraternal societies. Agents of fraternal benefit societies are subject to the licensing requirements of chapter 48.17 RCW. Fraternal benefit societies are subject to the provisions of chapter 48.30 RCW relating to unfair trade practices, and RCW 48.36A.360 sets forth the penalties for violation of the fraternal benefit society chapter.

Chapter 48.41 RCW, entitled "Health Insurance Coverage Access Act," provides a mechanism to assure the availability of comprehensive health insurance coverage to residents of Washington who are denied adequate health insurance coverage.

Chapter 48.44 RCW regulates health care service contractors and chapter 48.46 RCW regulates health maintenance organizations, as defined therein. The regulatory powers of the insurance commissioner over health care service contractors and health maintenance organizations are similar to those over commercial insurers.

Chapter 48.56 RCW, entitled "Insurance Premium Finance Company Act," regulates premium finance companies.

Chapter 48.102 RCW regulates viatical settlement providers and

~~viatical settlement brokers as defined therein.~~

~~(b) The insurance code contains a number of substantive provisions which relate to the rights of policyholders in general and which are enforced for their benefit by the insurance commissioner. Those, for the most part, are contained in chapter 48.18 RCW, which is entitled "The insurance contract," and chapter 48.30 RCW, entitled "Unfair practices and frauds." Additional substantive provisions are contained in chapters of the insurance code dealing with specific lines of insurance. For example, certain standard provisions are required to be placed in an individual disability insurance contract (chapter 48.20 RCW). Similarly, substantive provisions appear in chapter 48.21 RCW, entitled "Group and blanket disability insurance," chapter 48.23 RCW, entitled "Life insurance and annuities," chapter 48.24 RCW, entitled "Group life and annuities," chapter 48.22 RCW, entitled "Casualty insurance," chapter 48.34 RCW, entitled "Credit life insurance and credit accident and health insurance," chapter 48.56 RCW, entitled "Insurance Premium Finance Company Act," chapter 48.66 RCW, entitled "Medicare Supplemental Health Insurance Act," chapter 48.84 RCW, entitled "Long-term Care Insurance Act," and chapter 48.102 RCW, entitled "Viatical settlements regulation.")~~

~~(3) ((Additional duties of the insurance commissioner.))~~  
SHIBA. The OIC offers assistance statewide to consumers regarding health care insurance and health care access through its statewide health insurance benefits advisors (SHIBA) "HelpLine" program. Volunteers are trained by OIC employees to provide counseling, education, and other assistance to residents of Washington. Information about SHIBA, including how to become a SHIBA volunteer, can be found on the OIC web site ([www.insurance.wa.gov](http://www.insurance.wa.gov)).

(4) Publication of tables for courts and appraisers. The ((state)) insurance commissioner ((has been assigned the special duty of preparing annuity tables for calculation of the industrial insurance reserve fund (RCW 51.44.070). The commissioner must also publish for use of the state courts and appraisers,)) publishes tables showing the average expectancy of life((7)) and values of annuities and life and term estates for the use of the state courts and appraisers (RCW 48.02.160).

(5) Copies of public documents. Files of completed investigations, complaints against insurers or other persons or entities authorized to transact the business of insurance by the OIC, and copies of completed rate or form filings are generally available for public inspection and copying during business hours (see chapter 284-03 WAC) at the OIC's office in Tumwater, subject to other applicable law. Access by the public to information and records of the insurance commissioner is governed by chapter 284-03 WAC and the Public Records Act (chapter 42.56 RCW). Information on how to request copies of public documents is available on the OIC web site ([www.insurance.wa.gov](http://www.insurance.wa.gov)).

(6) Web site. The insurance commissioner maintains a web site at: [www.insurance.wa.gov](http://www.insurance.wa.gov). Current detailed information regarding insurance, persons and entities authorized to transact insurance business in this state, consumer tips, links to Washington's

insurance laws and rules, a list of publications available to the public, and other valuable information can be found on the web site.

(7) Toll-free consumer hotline. Members of the OIC staff respond to inquiries of consumers who telephone the agency's toll-free consumer hotline at 1-800-562-6900.

(8) Location of offices. The OIC's headquarters office is located in the insurance building on the state Capitol campus in Olympia. Branch offices are located in Tumwater, Seattle and Spokane. Addresses for the office locations can be found on the OIC web site ([www.insurance.wa.gov](http://www.insurance.wa.gov)) or by calling the commissioner's consumer hotline (1-800-562-6900).

(9) Antifraud program. Beginning in 2007, the OIC (in partnership with the Washington state patrol, county prosecutors, and the state attorney general's office) will investigate and assist in prosecuting fraudulent activities against insurance companies. Information about this program can be found on the OIC web site ([www.insurance.wa.gov](http://www.insurance.wa.gov)).

#### NEW SECTION

WAC 284-02-023 How is the OIC organized? The insurance commissioner is elected by popular vote every four years. The commissioner is assisted by a chief deputy insurance commissioner. The agency is divided into three line divisions, with four smaller divisions providing direct support. The line divisions are: Company supervision, consumer protection, and rates and forms. The support divisions are: Operations, legal affairs, public affairs, legislation, and policy. An up-to-date agency organizational chart can be requested from the OIC.

#### NEW SECTION

WAC 284-02-025 How is the OIC funded? The operations of the OIC are funded by a special assessment paid by all insurance companies based on the amount of insurance business they transact in Washington.

AMENDATORY SECTION (Amending Matter No. R 96-3, filed 4/10/96, effective 5/11/96)

WAC 284-02-030 (~~(Obtaining)~~) How can service of process over foreign and alien insurers(~~(-)~~) be made? (1) Although domestic insurers are served with legal process personally, the insurance commissioner is the party on whom service of process (~~(should)~~) must be made on all foreign and alien insurers, whether authorized to transact business in this state or not. The exact procedures are set forth in the applicable statutes.

(a) Service of process against authorized foreign and alien insurers, other than surplus line insurers, must be made (~~(pursuant)~~) according to the requirements of RCW 48.05.200 and 48.05.210. RCW 48.05.220 specifies the proper venue for such actions.

(b) Service of process against surplus line insurers can be made on the commissioner(~~(, pursuant to)~~) by following the procedures set forth in RCW 48.05.215 and 48.15.150. (A surplus lines insurer markets coverage which cannot be procured in the ordinary market from authorized insurers.)

(c) Service of process against other unauthorized insurers may be made on the commissioner(~~(, pursuant to)~~) based on the procedures set forth in RCW 48.05.215.

(d) The commissioner is not authorized to accept service of process on domestic or foreign health care service contractors or health maintenance organizations.

(2) Where service of process against a foreign or alien insurer is made through service upon the commissioner (~~((pursuant to))~~) according to the requirements of RCW 48.05.210 or 48.05.215), against a nonresident agent or broker (~~((pursuant to))~~) RCW 48.17.340), or against a viatical settlement provider or broker (~~((pursuant to))~~) chapter 48.102 RCW or chapter 284-97 WAC), (~~(such)~~) this service (~~((shall))~~) must be made by personal service at, or by registered mail sent to, the (~~(Olympia, Washington,)~~) Tumwater office of the insurance commissioner only, and (~~((shall))~~) must otherwise comply with the requirements of the applicable statute.

(3) Service upon (~~(a branch)~~) any location other than the Tumwater office of the (~~(commissioner)~~) OIC is not permissible and will not be accepted. (~~(Pursuant to)~~)

(4) As authorized by RCW 1.12.060, whenever the use of "registered" mail is called for, "certified" mail with return receipt requested may be used.

AMENDATORY SECTION (Amending Matter No. R 96-3, filed 4/10/96, effective 5/11/96)

WAC 284-02-040 Where can information about applying for a license as agent, adjuster, broker, or solicitor((-)) be found? The requirements for licensing are generally found in chapter 48.17 RCW.

(1) Licensing requirements and instructions for obtaining a license as an insurance agent, adjuster, broker or solicitor, ((or)) as a viatical settlement broker, or for any other license required for the transaction of the business of insurance under Title 48 RCW may be obtained from the OIC's licensing section ((of the investigations and enforcement division)).

(2) The OIC web site includes forms and instructions for applicants at: [www.insurance.wa.gov](http://www.insurance.wa.gov).

AMENDATORY SECTION (Amending Matter No. R 96-3, filed 4/10/96, effective 5/11/96)

WAC 284-02-050 Where can information and applications for admission as an authorized insurer, fraternal benefit society, health care service contractor, health maintenance organization, ((or)) viatical settlement provider((-)), and for other entities required to be authorized to transact the business of insurance be found? (1) A ((check list)) checklist of documents required for an application for admission is available from the company supervision division. The statutory requirements are contained in chapter 48.05 RCW (all insurance companies); chapter 48.06 RCW (domestic companies); chapter 48.07 RCW (domestic stock companies); chapter 48.09 RCW (mutual companies); chapter 48.10 RCW (reciprocal companies); chapter 48.36A RCW (fraternal benefit societies); chapter 48.102 RCW (viatical settlement providers); chapter 48.44 RCW (health care service contractors), ((and)) chapter 48.46 RCW (health maintenance organizations) and chapter 48.125 RCW (self-funded multiple employer welfare arrangements).

(2) Capital and surplus requirements for stock insurance companies are contained in RCW 48.05.340.

(3) The OIC web site includes forms and instructions for applicants at: [www.insurance.wa.gov](http://www.insurance.wa.gov).



AMENDATORY SECTION (Amending Matter No. R 96-3, filed 4/10/96, effective 5/11/96)

WAC 284-02-060 Where can information regarding filing a complaint against a company, agent, broker, solicitor, ((or)) adjuster((-)), or other person or entity authorized by the OIC be found? (1) A complaint or grievance against ((an insurance company, fraternal benefit society, viatical settlement provider, health care service contractor, health maintenance organization, agent, broker, solicitor, adjuster, or viatical settlement broker)) a person or entity authorized to transact the business of insurance under Title 48 RCW may be filed with the ((insurance commissioner)) OIC. The ((insurance commissioner)) complainant should ((be supplied with)) supply as many facts as possible to assist the OIC in the investigation of the complaint. ((This)) Complaints should include: The correct name of the insurance company or other entity issuing the policy or contract; the policy ((and/or)) number; the claim number; the name of the agent, broker, solicitor, adjuster, ((or)) viatical settlement broker, or any other person or entity offering to sell you insurance or to settle your claim; the date of loss or the date of the company's or other licensee's action; and a complete explanation of the loss or other problem.

(2) A form ((to)) that can be used ((in making)) to make a complaint may be requested from the OIC by telephone ((from one of the insurance commissioner's offices)) or can be found on the OIC web site (www.insurance.wa.gov). Use of ((such)) this form may be helpful in organizing the information, but its use is not required.

(3) If personal medical information is provided to the OIC, the OIC's medical release form must be signed and submitted by the appropriate person.

AMENDATORY SECTION (Amending Matter No. R 96-3, filed 4/10/96, effective 5/11/96)

WAC 284-02-070 ((Hearings of the insurance commissioner.)) How does the OIC conduct hearings? (1) Generally.

(a) Hearings of the ((insurance commissioner's office)) OIC are conducted according to chapter 48.04 RCW and the Administrative Procedure Act (chapter 34.05 RCW). Two types of hearings are conducted: Rule-making hearings and adjudicative proceedings or contested case hearings((, the latter including)). Contested case hearings include appeals from disciplinary actions taken by the commissioner.

(b) How to demand or request a hearing. Under RCW 48.04.010 the commissioner is required to hold a hearing upon demand by any person aggrieved by any act, threatened act, or failure of the commissioner to act, if ((such)) the failure is deemed an act under the insurance code((, or by)) or the Administrative Procedure Act.

(i) Hearings can be demanded by an aggrieved person based on any report, promulgation, or order of the commissioner ((other than an order on a hearing of which such person was given actual notice or at which such person appeared as a party, or order pursuant to the order on such hearing)).

((ii) Requests for hearings must be ((made)) in writing and delivered to the ((commissioner at the commissioner's Olympia office,)) Tumwater office of the OIC. The request must specify how the person making the demand has been aggrieved by the commissioner, and must specify the grounds to be relied upon as the basis for the relief sought.

((b) Files of completed investigations, complaints against insurers, and rate or contract filings maintained by the commissioner are generally available for public inspection and copying during business hours (see chapter 284-03 WAC), subject to other applicable law.))

(c) Accommodation will be made for persons needing assistance, for example, where English is not their primary language, or for hearing impaired persons.

(2) Proceedings for contested cases or adjudicative ((proceedings)) hearings.

(a) Provisions specifically relating to disciplinary action taken against ((insurance agents, brokers, solicitors, adjusters, or viatical settlement brokers)) persons or entities authorized by the OIC to transact the business of insurance are contained in RCW 48.17.530, 48.17.540, 48.17.550, 48.17.560 ((and)), chapter 48.102 RCW, and other chapters related to specific licenses. Provisions applicable to other adjudicative proceedings are contained in chapter 48.04 RCW and the Administrative Procedure Act (chapter 34.05 RCW). The uniform rules of practice and procedure appear in Title 10 of the Washington Administrative Code. The grounds for disciplinary action against insurance agents, brokers, solicitors, and adjusters are contained in RCW 48.17.530; grounds for similar action against insurance companies are contained in RCW 48.05.140; grounds for actions against fraternal benefit societies are found at RCW 48.36A.300 (domestic) and RCW 48.36A.310 (foreign); grounds for actions against viatical settlement providers are found in chapter 48.102 RCW; grounds for actions against health care service contractors are contained in RCW 48.44.160; and grounds for action against health maintenance organizations are contained in RCW 48.46.130. ((These statutes provide that)) Grounds for actions against other persons or entities authorized by the OIC under Title 48 RCW are found in the chapters of Title 48 RCW applicable to those licenses.

(b) The insurance commissioner may suspend or revoke ((a licensee's)) any license, ((or the)) certificate of authority, or registration ((of an insurer, fraternal benefit society, viatical settlement provider, health care service contractor, or health maintenance organization)) issued by the OIC. In addition, the commissioner may generally levy fines against ((those licensees and)) any persons or organizations having been authorized by the OIC.

~~((b))~~ (c) Adjudicative proceedings or contested case hearings of the insurance commissioner are informal in nature, and compliance with the formal rules of pleading and evidence is not required.

(i) The insurance commissioner may delegate the authority to hear and determine the matter and enter the final order ~~((pursuant to))~~ under RCW 48.02.100 and 34.05.461 to a presiding officer; or may ~~((utilize))~~ use the services of an administrative law judge in accordance with chapter 34.12 RCW and the Administrative Procedure Act (chapter 34.05 RCW). The initial order of an administrative law judge will not become a final order without the commissioner's review (RCW 34.05.464).

(ii) The hearing will be recorded by any method chosen by the presiding officer. Except as required by law, the ~~((commissioner's office))~~ OIC is not required, at its expense, to prepare a transcript. Any party, at the party's expense, may cause a reporter approved by the ~~((commissioner))~~ presiding officer to prepare a transcript from the agency's record, or cause additional recordings to be made during the hearing if, in the opinion of the presiding officer, the making of the additional recording does not cause distraction or disruption. If appeal from the insurance commissioner's order is made to the superior court, the recording of the hearing will be transcribed ~~((7))~~ and certified to the court.

(iii) The insurance commissioner or the presiding officer may allow any person affected by the hearing to be present during the giving of all testimony and will allow the aggrieved person a reasonable opportunity to inspect all documentary evidence, to examine witnesses, and to present evidence. Any person heard must make full disclosure of the facts pertinent to the inquiry.

~~((c))~~ (iv) Unless a person aggrieved by an order of the insurance commissioner demands a hearing ~~((thereon))~~ within ninety days after receiving notice of ~~((such))~~ that order, or in the case of ~~((licensees))~~ persons or entities authorized by the OIC to transact the business of insurance under Title 48 RCW, within ninety days after the ~~((commissioner has mailed the))~~ order was mailed to the ~~((licensee at the))~~ most recent address shown in the ~~((commissioner's))~~ OIC's licensing records, the right to ~~((such))~~ a hearing ~~((shall))~~ is conclusively ~~((be))~~ deemed to have been waived (RCW 48.04.010(3)).

~~((d))~~ (v) Prehearing or other conferences for ~~((the))~~ settlement or simplification of issues may be held at the discretion and direction of the presiding officer.

(3) Rule-making hearings. Rule-making hearings ~~((of the insurance commissioner))~~ are conducted ~~((pursuant to))~~ based on requirements found in the Administrative Procedure Act (chapter 34.05 RCW) ~~((7))~~ and chapter 34.08 RCW (the State Register Act) ~~((7 and chapter 48.04 RCW))~~.

(a) Under applicable law all interested parties must be ~~((afforded))~~ provided an opportunity to express their views concerning a proposed ~~((regulation of the insurance commissioner's office))~~ rule, either orally or in writing. The ~~((commissioner))~~ OIC will accept comments on proposed rules by mail, electronic

telefacsimile transmission, or electronic mail but will not accept comments by recorded telephonic communication or voice mail (RCW 34.05.325(3)).

(b) Notice of intention of the insurance commissioner to adopt a proposed rule ((or regulation)) or amend an existing rule is published in the state register and is sent to anyone who has requested notice in advance and to persons who the ((commissioner)) OIC determines would be particularly interested in the proceeding. ((The commissioner may require)) Persons requesting paper copies of all proposed rule-making notices of inquiry and hearing notices may be required to pay the cost of mailing these notices ((pursuant to)) (RCW 34.05.320(3)).

(c) Copies of proposed new rules and amendments to existing rules as well as information related to how the public may file comments are available on the OIC web site (www.insurance.wa.gov).

AMENDATORY SECTION (Amending Matter No. R 96-3, filed 4/10/96, effective 5/11/96)

WAC 284-02-080. What publications and information are available((-)) from the OIC? The OIC makes information about insurance, persons and entities authorized by the OIC to transact the business of insurance under Title 48 RCW, policy forms and rates, interpretive statements, and official actions taken by the insurance commissioner available to the public. Below is a description of some of the information published by the OIC. Copies of these reports and publications, as well as consumer fact sheets and purchasing guides, are available on the OIC web site (www.insurance.wa.gov), at all OIC offices, and may be ordered by telephone (1-800-562-6900). Persons requesting paper copies may be required to pay the cost of producing and mailing the publication.

(1) Insurance code. The insurance commissioner publishes a paperbound copy of the insurance laws (Title 48 RCW) ((, pursuant to authority of)) as required by RCW 48.02.180((- Copies of)), and the insurance administrative rules ((and regulations of the insurance commissioner)) (Title 284 WAC) ((are available in pamphlet form)). ((Each)) Copies of these pamphlets may be purchased from the commissioner's ((Olympia)) Tumwater office. In addition, Titles 48 RCW and 284 WAC are available in any law library, as well as in most general libraries.

(2) List of authorized insurers. Except as provided in chapter 48.15 RCW, an insurer not authorized to do business in Washington is forbidden by law to solicit business in ((this state)) Washington (RCW 48.15.020). The ((insurance commissioner publishes periodically)) OIC compiles a list of all insurance companies authorized to do business in this state. ((Such lists are)) A paper copy of the list is available ((on request)) from the ((insurance commissioner's office)) OIC, and it is available on the

OIC web site ([www.insurance.wa.gov](http://www.insurance.wa.gov)). The commissioner may require persons requesting paper copies of the list of authorized and registered companies to pay the cost of producing and mailing this list.

(3) Annual report. The insurance commissioner publishes an annual report, as required by RCW 48.02.170 (~~(, a copy of which is available on request. The commissioner may require all persons requesting a copy to pay the cost of developing, printing, and mailing the annual report)~~). Generally, the annual report contains a list of all insurers authorized to transact insurance in this state, showing the insurer's name, location, and kinds of insurance transacted. It also tabulates abstracts of the annual statements of all authorized insurers, and contains a summary of the operations of the insurance commissioner's office. The report is available on the OIC web site ([www.insurance.wa.gov](http://www.insurance.wa.gov)). A paper copy of the report is available upon request. The commissioner may require persons requesting a paper copy to pay the cost of developing, printing, and mailing the annual report.

(4) Policy and contract forms and rates. Rates of insurance companies and other (~~(licensees)~~) entities offering contracts in this state, and all policy forms required to be filed or approved by the insurance commissioner are on file in the commissioner's Tumwater office and are public records. For all lines of insurance except property and casualty insurance, actuarial formulas, statistics, and assumptions submitted ((by an insurer, health care service contractor, or health maintenance organization)) in support of a rate or form filing are not available for public inspection (RCW 48.02.120(3)). (For property and casualty insurance, see RCW 48.19.040(5).)

(5) Examination reports, annual reports. Reports of examination and annual reports of insurance companies, fraternal benefit societies, viatical settlement providers, health care service contractors, (~~(and)~~) health maintenance organizations, and other entities authorized to transact the business of insurance under Title 48 RCW are on file in the insurance commissioner's Tumwater office and are open for public inspection. Instructions for viewing or copying public records are available on the OIC web site ([www.insurance.wa.gov](http://www.insurance.wa.gov)).

(6) Official actions of the insurance commissioner. As required by the Administrative Procedure Act, actions taken by the (~~(insurance commissioner's office)~~) OIC relating to adoption of rules or the discipline of (~~(insurance companies, fraternal benefit societies, viatical settlement providers, health care service contractors, health maintenance organizations, insurance agents, brokers, solicitors, adjusters, and viatical settlement brokers)~~) persons or entities authorized by the OIC are on file in the commissioner's (~~(Olympia)~~) Tumwater office and are a matter of public record.

(7) Deposits of insurers. Records of deposits of insurers, required by chapter 48.16 RCW and other sections of the insurance code, are on file in the insurance commissioner's Tumwater office.

(8) Articles of incorporation, bylaws of insurers. All

domestic insurers are required to file their articles of incorporation and bylaws, ~~((and))~~ plus any amendments ~~((thereto))~~ to them, with the ~~((insurance commissioner))~~ OIC. These are open for public inspection in the insurance commissioner's Tumwater office.

AMENDATORY SECTION (Amending Matter No. R 96-3, filed 4/10/96, effective 5/11/96)

WAC 284-02-100 How can an interested person petition for adoption, amendment, or repeal of rules((?))? (1) As authorized by the Administrative Procedure Act, any interested person may petition the insurance commissioner requesting the adoption, amendment, or repeal of any rule (RCW 34.05.330). The petition ~~((shall))~~ must be in writing, dated, and signed by the petitioner. In addition to the information ~~((set forth))~~ listed in RCW 34.05.330(3), each petition ~~((shall))~~ must include the following information:

(a) The name and address of the person requesting the action, and, if ~~((pertinent))~~ relevant, the background and identity of the petitioner and the interest of the petitioner in the subject matter of the rule;

(b) The full text of any proposed new or amendatory rule and the citation and caption of any existing rule to be amended or repealed;

(c) A narrative explaining the purpose and scope of any proposed new or amendatory rule including a statement generally describing the statutory authority relied upon by the petitioner, how the rule is to be implemented, ~~((and giving))~~ the reasons for the proposed action, accompanied by necessary or pertinent data in support ~~((thereof))~~ of the new rule or amendment; and

(d) Statements from other persons in support of the action petitioned are encouraged, if they help the OIC to understand why the new rule or amendment is needed.

(2)(a) Within sixty days after ~~((submission of a))~~ the petition to adopt, amend, or repeal any rule is submitted, the ~~((commissioner will))~~ OIC either:

(i) Will formally deny the petition in writing to the person requesting the action, stating the reasons ~~((therefore))~~ for the denial, and, if appropriate, will state ~~((the))~~ any alternative means by which the insurance commissioner will address concerns raised; or ~~((the commissioner))~~

(ii) Will initiate rule-making proceedings in accordance with the Administrative Procedure Act.

(b) If the insurance commissioner denies a petition to repeal or amend a rule, the petitioner may appeal the denial to the governor, within thirty days ~~((of))~~ after the denial ~~((according to the procedure set forth at))~~ (RCW 34.05.330(2)).

(3) If the insurance commissioner determines it to be in the interest of the public, ~~((the commissioner may order))~~ a hearing may be held for the further consideration and discussion of the requested adoption, amendment, or repeal of any rule.

(4) For information concerning the subjects of rules being proposed, or to request paper copies of rules or copies of materials presented to the commissioner during the rule-making process, members of the public may contact the agency's rules coordinator. The name, address, and phone number of the rules coordinator are available on the OIC web site and are published at least annually in the Washington State Register. Complete information regarding all rules being proposed is available on the OIC web site (www.insurance.wa.gov).

~~((5) The office of financial management prescribes by rule a format for petitions for adoption, amendment, or repeal of rules. This form may be helpful to petitioners, but its use is not required. Petitions for adoption, amendment, or repeal of rules will be accepted whether or not the petition form adopted by the office of financial management is used.))~~

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284-02-020  
WAC 284-02-090

Organization and operations.  
Public access to information and records.

